IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Con.Case(C).No. 932 of 2007(S)
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AGAINST THE JUDGEMENT IN WPC.29339/2001 Dated 19/11/2002
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PETITIONER/PETITIONER:
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UDAYASANKAR,
S/O.LATE M.P.PADMANABHAN NAIR, AGED 34,
THURUTHI HOUSE, KUNJATTUKARA, EDATHALA P.O.

BY ADV. SRI.G.KRISHNAKUMAR

RESPONDENTS/RESPONDENTS 2 & 3:
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1. SRI.THOMAS KUTTY,
AGED 54 YEARS, (FATHER'S NAME NOT KNOWN TO THE PETITIONER),
CHIEF COMMISSIONER OF INCOME TAX,
CENTRAL REVENUE BUILDING, IS PRESS ROAD,
KOCHI - 682018.

2. N.T.KARTHIKEYAN,
AGED ABOUT 53, (FATHER'S NAME NOT KNOWN TO THE PETITIONER),
ADDL.COMMISSIONER OF INCOME TAX,
OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX,
CENTRAL REVENUE BUILDING, IS PRESS ROAD,
KOCHI 682 018.

BY SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR GENERAL

THIS CONTEMPT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**H.L.DATTU, C.J. & K.T.SANKARAN, J.**

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Cont.Case (C) No.932 of 2007

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Dated, this the 26th day of September, 2007

**JUDGMENT**

**H.L.Dattu, C.J.**

Petitioner in O.P.No.29339 of 2001 is before us in this contempt petition. Assertions and allegations are made against the respondents by the complainant. According to him, the respondents have not obeyed the orders and directions issued by this Court while disposing of the original petition.

2. The respondents have filed their affidavit. Petitioner has filed his reply affidavit also. Along with the reply affidavit the petitioner has produced the order passed by the respondents dated 7th August, 2007. The said order reads as under:

> "It is hereby informed that your case was considered afresh by the Department for appointment under the Scheme of Compassionate Appointment to the posts of Tax Assistant, Notice Server or Group 'D' Peon as per the directions of the Hon'ble High Court of Kerala referred to at (ii) and (iii) above.
>
> After considering your case afresh and taking into consideration the recommendations of the Committee constituted by the Department to consider the applications for compassionate appointment under the Scheme of Compassionate Appointment, it is regretted to inform you that we cannot appoint you on compassionate grounds in the Income Tax Department. The reasons for the above are as follows:-
>
> > (a) As against the minimum data entry speed of 8000 key depression per hour required for appointment on compassionate ground to the post of Tax Assistant, you have recorded only a speed of 3078 key depression in the test conducted on 03/08/2007. Therefore, you have not been qualified to be appointed as Tax Assistant on compassionate ground.
> >
> > (b) Since you did not qualify for appointment to the post of Tax Assistant, your case was considered for the post of Notice Server. The Committee which examined your financial status via-a-vis other 10

> applicants considered eligible for the post, found your place as 08. In view of the said finding of the Committee and since there is only one post of Notice Server available for appointment on compassionate ground, it has been found not possible to appoint you to the post.
>
> (c) Further, your case was considered for the post of Group 'D' Peon. The Committee which examined your financial status vis-a-vis remaining applicants considered for the post, found your place as 09. In view of your position in the order of seniority fixed by the Committee, as there is only one post of Group 'D' Peon available for compassionate appointment, it has been found not possible to appoint you to the post."

3. The only direction that was issued by this Court is to consider the case of the petitioner for appointment on compassionate appointment. No further direction is issued by this Court. The respondents have considered the case of the petitioner and after such consideration they have rejected his request by their order dated 7th August, 2007. If for any reason, the petitioner is aggrieved by the said order, he has to question the same in appropriate proceedings either before this Court or before any other forum.

4. In that view of the matter, in our opinion, we need not have taken cognizance of this complaint filed by the complainant. Therefore, the contempt proceedings are dropped.

Ordered accordingly.

**(H.L.DATTU)**
**CHIEF JUSTICE**

**(K.T.SANKARAN)**
**JUDGE**

vns